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REMARKS

By way of this amendment, claims 1-3 and 5 have been amended, and new claim 31 is presented herein. Accordingly, claims 1-31 are present in this application.

Applicants would like to thank Examiner Monique Wills for the courtesies extended to Applicants' attorney, Kevin Grzelak, during a personal interview conducted on August 26, 2004. During the interview, claims 1, 24, and 25 were discussed with respect to the newly cited prior art to Lake and Lane, and possible amendments were discussed to overcome the rejections of record. The potential amendments discussed include claiming the external contact in the embodiment shown in FIGS. 5 and 6. Additionally, the Examiner acknowledged that the claims reciting a laminate are allowable.

Applicants have amended claim 5 to place objected to claims 5-20 in condition for allowance. Additionally, Applicants have amended claim 1 to incorporate language reciting that the battery enclosure comprises a laminate comprising first, second, and third layers as recited. Further, Applicants have added new claim 31 to include the external contact of the embodiment shown in FIGS. 5 and 6. Applicants respectfully request reconsideration and allowance of the present application.

In the latest Office Action, claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Lane (U.S. Patent No. 6,113,658), and claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by Lake (U.S. Patent No. 5,705,294). Applicants have amended claim 1 to recite the battery enclosure comprises a laminate comprising first, second, and third layers, wherein the third layer comprises the electrically conductive material and is sandwiched between the first and second layers. Applicants submit that claims 1-4, as amended, are now allowable for the reasons discussed below.

Applicants' claim 1, as amended, recites a battery comprising an anode electrode, a cathode electrode, an electrolyte, at least one external electrode contact and a battery enclosure sealed about at least a portion of the perimeter of the battery. The battery enclosure comprises electrically conductive material, and the external electrode contact is formed from the electrically conductive material. The battery enclosure comprises a laminate comprising first,

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second, and third layers, wherein the third layer comprises the electrically conductive material and is sandwiched between the first and second layers. Accordingly, the battery enclosure is formed as a three layer laminate.

In contrast to claims 1 and 2, as amended, the Lane reference discloses a method of forming a button-type battery comprising providing anode (16), separator (20b) and cathode (18) arranged within first and second conductive terminal housing members (12 and 14) which join together into a sealed battery assembly. The first and second terminal housing members (12 and 14) seal closed the enclosure by sandwiching a sealing gasket (32) and forming a crimp along the peripheral edges. The first and second terminal housing members (12 and 14) include stainless steel, but is not a laminate.

Contrasting claims 1-4, as amended, the Lake reference similarly discloses a method of forming a button-type battery which includes an anode, a cathode, and a separator enclosed within first and second terminal housing members (18 and 24). Housing members (18 and 24) are sealed closed by sandwiching a seal and forming a crimp. The first and second terminal housing members (18 and 24) are formed of a conductive material such as stainless steel and do not comprise a laminate material of first, second, and third layers.

In order to anticipate a claim, the reference must teach each and every claim limitation. Neither of the Lane and Lake references teach or suggest a battery having a battery enclosure comprising a laminate comprising first, second, and third layers, wherein one of the layers is an electrically conductive material that is sandwiched between the other two layers. Instead, both the Lane and Lake references employ single layer, stainless steel as the first and second terminals, which are crimped together along a peripheral edge with a seal placed therebetween to form an enclosure for enclosing the active materials of the battery.

Neither of the Lane and Lake references teaches a battery comprising a battery enclosure sealed about at least a portion of the perimeter of the battery and comprising electrically conductive material, and an external electrode contact formed from the electrically conductive material, wherein the battery enclosure comprises a laminate comprising first, second, and third layers, wherein the third layer comprises the electrically conductive material

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and is sandwiched between the first and second layers. Accordingly, neither of the Lane and Lake references discloses each and every limitation of claim 1, as amended, and therefore, Lane and Lake do not anticipate claim 1, as amended, and claims 2-4 dependent thereon.

It is therefore submitted that claims 1-4 are not anticipated by the Lane and Lake references, and Applicants respectfully request that the rejections of claims 1-4 under 35 U.S.C. §102(b) in view of Lane and Lake be withdrawn.

The Examiner indicated that claims 5-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claim 5 to include all the limitations of the base claim and any intervening claims, so as to place claims 5-20 in condition for allowance, which action is respectfully requested.

Further, the Examiner indicated that claims 21-30 are allowable over the prior art. Applicants discussed with the Examiner during the interview that claims 24 and 25 are dependent on claim 1, which was previously rejected. However, Applicants are of the position that claim 1, as amended, is now in condition for allowance and, hence, claims 24 and 25 should also be allowable.

Finally, Applicants have added new claim 31 which recite a battery having an external electrode contact according to the embodiment shown in FIGS. 5 and 6 of the application for patent. New claim 31 recites the electrically conductive material forms an external contact formed by extending a portion of the electrically conductive material outside of a perimeter seal area. Applicants submit that the prior art of record does not teach or suggest a battery having the external contacts are recited in new claim 31, and hence claim 31 should likewise be allowance, which action is respectfully solicited.

By way of the foregoing amendment and discussion, Applicants have demonstrated that claims 1-4, as amended, are not anticipated by either of Lane and Lake, and that newly presented claim 31 should be allowable over the prior art of record. Applicants respectfully request allowance of the present application. If the Examiner has any questions regarding

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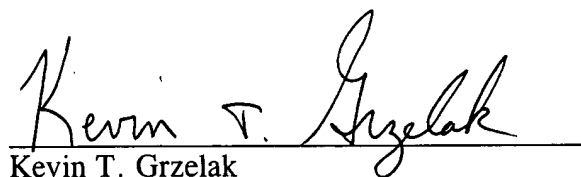
patentability of any of the claims, the Examiner is encouraged to contact Applicants' undersigned attorney to discuss the same.

Respectfully submitted,

RICHARD LANGAN ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

August 30, 2004
Date

A handwritten signature in cursive script, reading "Kevin T. Grzelak", is written over a horizontal line.

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